UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.142
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Latvia

1. The Committee considered the initial report of Latvia (CRC/C/11/Add.22), received on 25 November 1998, at its 671st and 672nd meetings (see CRC/C/SR.671 and 672), held on 9 January 2001, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/LAT/1). The Committee notes with appreciation the broad ranging delegation sent by the State party and welcomes the frank discussion and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the recent adoption of new laws, as well as the amendments to the domestic legislation with a view to bringing it into conformity with the principles and provisions of the Convention. In particular, it welcomes the amendment of 1998 of the Citizenship Law according to which all children born in Latvia since 1991 are automatically entitled to citizenship. It also takes note with appreciation of, inter alia, the Law on the Protection of the Rights of the Child of 1998 and the Law on Custody and Local Courts of 1995.

---

* At the 697th meeting, held on 26 January 2001.

4. The Committee notes the establishment in 1998 of the Commission for the Protection of Children's Rights at the Cabinet of Ministers, in 1996 of the Subcommission for the Protection of Children's Rights within the Parliament, in 1995 of the National Centre for the Rights of the Child within the Ministry of Education and Science, which was revised in 1998, and in 1995 of Custody Courts dealing with the protection of the rights of children in relations with their parents and third parties.

5. The Committee notes with appreciation the National Programme for Preventing Sexual Violence against Children for 2000-2004 and the 1999 programme of the Ministry of the Interior for the elimination of child crime and the protection of children against criminal offences.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party, including increased unemployment and poverty, caused mainly by the transition to a market economy, have had a negative impact on the situation of children and have impeded and are still impeding the full implementation of the Convention.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

7. While noting that the Law on the Protection of the Rights of the Child of 1998 reflects some principles and provisions of the Convention, the Committee nevertheless remains concerned that other relevant laws, inter alia some outdated provisions regarding family and adoption in the 1937 Civil Law, are not in full conformity with the Convention and that disparities exist between law and practice.

8. The Committee recommends that the State party continue its efforts in the field of law reform to ensure that its legislation is fully compatible with the provisions and principles of the Convention and with a child-rights approach, and that it take effective steps to ensure that these measures are fully implemented.

Coordination

9. The Committee notes with appreciation the establishment of the National Centre for the Rights of the Child and its role in coordinating the work of State and municipal institutions on issues regarding the protection of children's rights, but remains concerned whether the Centre has the capacity to perform this important role in a satisfying manner.

10. The Committee recommends that the State party provide the National Centre for the Rights of the Child with the financial and human resources necessary to enable it to coordinate effectively the various activities related to the implementation of the Convention at the national level and between the central Government and the local administration level.

Allocation of budgetary resources

11. In light of article 4 of the Convention, the Committee expresses its concern that not enough attention has been paid to allocating adequate budgetary resources for the implementation of existing child rights legislation, in particular to local governments, and that policies related to children are not clear priorities in the State budget.

12. Also in light of article 4 of the Convention, the Committee encourages the State party to identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources for the full implementation of the economic, social and cultural rights of children, in particular to local governments and for children belonging to the most vulnerable groups in society. It further recommends that the State party identify the amount and proportion of its budget that is spent on children at the national and local levels in order to be able to evaluate the impact of the expenditures on children.

Independent monitoring structures

13. The Committee emphasizes the importance of setting up an independent mechanism with a mandate to monitor and evaluate progress in the implementation of the Convention, both at the national and the local level, and notes that the State party has started to take steps in this direction.

14. The Committee encourages the State party to continue working towards the establishment of an independent body easily accessible to children, such as an ombudsperson for children or a national commission for children's rights, established in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor the implementation of the Convention and to deal in an expeditious and efficient way with individual complaints concerning children's rights. In this regard, the Committee further recommends that the State party consider seeking technical assistance from UNICEF, the Office of the High Commissioner for Human Rights and the United Nations Development Programme (UNDP), among others.

Data collection

15. The Committee expresses its concern at the fact that a systematic and comprehensive system for the collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children is not yet fully developed.

16. The Committee recommends that the State party continue to develop a system of data collection and indicators consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; non-citizen children; children belonging to minorities; children in conflict with

the law; children who work; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of the principles and provisions of the Convention

17. While noting the efforts of the State party in disseminating information about the Convention, the Committee is concerned that the principles and provisions of the Convention are not disseminated at all levels of society, and in particular in the rural areas.

18. The Committee recommends that the State party develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system.

Civil society

19. The Committee notes with concern that the participation and involvement of relevant non-governmental organizations and of civil society at large in the formulation and implementations of policies and programmes relating to children is not systematic.

20. The Committee emphasizes the important role civil society and non-governmental organizations in particular play as partners in implementing the provisions of the Convention, and recommends that the State party consider a methodical approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making.

2. General principles

General principles

21. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

22. The Committee recommends that the general principles of the Convention, in particular the provisions of its articles 2, 3 and 12, be appropriately integrated in all relevant legislation concerning children and applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children, and guide the determination of policy-making at every level and actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

23. The Committee is concerned that the principle of non-discrimination is not fully implemented for non-citizen children, children belonging to minorities, including Roma children, poor or dysfunctional families, children with disabilities and children living in rural areas, especially with regard to their access to adequate health and educational facilities. In this context, it notes with interest the State programme for the improvement of the condition of children in the country for 1999. It further takes note with concern of the requirement to record ethnic origin in passports.

24. The Committee recommends that the State party collect disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing measures to put an end to any form of discrimination. It further reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports (A/54/18, para. 407).

3. Civil rights and freedoms

Right to nationality

25. The Committee is deeply concerned that, although all children born in Latvia after 1991 are automatically entitled to citizenship according to the amendment of 1998 of the Citizenship Law, there is still a large number of children who are without Latvian nationality. Further it expresses its concern at the slow pace in general of the process of naturalization of non-citizens in Latvia.

26. In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship (A/54/18, para. 404) and, in particular, it encourages the State party to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children.

Corporal punishment

27. While noting that the Law on the Protection of the Rights of the Child of 1998 explicitly prohibits corporal punishment, the Committee expresses its concern at the still widespread use of corporal punishment, in particular within the family and in school and other institutions.

28. In light of articles 19 and 28 (2) of the Convention, the Committee encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment and to promote alternative forms of discipline in families, to be administered in a manner consistent with the child's dignity and in conformity with the Convention. It also recommends the effective enforcement of the ban on corporal punishment in school and other institutions.

4. Family environment and alternative care

Children living in institutions

29. The Committee expresses its concern at the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance.

30. In light of articles 18 and 26 of the Convention, the Committee encourages the State party to develop comprehensive measures to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing.

Child abuse and neglect

31. While noting the National Programme for the Prevention of Sexual Violence for 2000-2004, the Committee expresses its concern about the lack of data, appropriate measures and mechanisms and resources to prevent and combat domestic violence, including child sexual abuse. Further, child victims do not have the right to free legal assistance and the judicial procedure is not child-friendly, in particular because the child victims are subjected to repeated questioning.

32. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the extent, scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

Adoption

33. The Committee expresses its concern at the fact that the current legislation regulating adoption is out of date and does not guarantee adequate protection of the child involved, as recognized in the Convention. Further, as the procedures for adoption, in particular intercountry adoption, are complicated and as there is virtually no foster system available, it notes that a significant number of children are obliged to live in orphanages and institutions for long periods.

34. In light of article 21 and other related provisions of the Convention, the Committee encourages the State party to adopt the new legislation regarding adoption in order to simplify and expedite the procedures for adoption. Further, it recommends that the State party undertake measures to facilitate the creation of a foster care system with sufficient

financial support. It also encourages the State party to continue the process for the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

5. Basic health and welfare

Health and health services

35. While noting that the State party started a process focusing on preventive health care, the Committee is concerned that the situation of maternal, child and reproductive health is poor. In particular, it notes with concern the high rates of infant mortality, even though it has been decreasing in recent years, and of child morbidity, in particular the high incidence of tick-induced encephalitis and diphtheria. It also takes note that the immunization programme has been delayed because sufficient funds were not available and that it is no longer available in schools.

36. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children, without discrimination. With reference to the immunization programme, the Committee encourages the State party to look to international cooperation for support in the manufacture and procurement of vaccines.

Children with disabilities

37. The Committee expresses its concern about the fact that children with disabilities are granted additional State benefits only up to the age of 16 and that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country. Further, it is concerned at the high proportion of children with disabilities who are institutionalized. It also notes with concern that the integration of children with disabilities into the normal educational system is problematical owing to the lack of specialized teachers and the fact that schools are not easily accessible for children with motor impairment.

38. The Committee recommends that the State party allocate the necessary resources for programmes and facilities for all children with disabilities up to the age of 18, especially the ones living in rural areas, and develop community-based programmes in order for the children to be able to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

Adolescent health

39. The Committee expresses its concern regarding the rise in the number of children and youths using drugs, alcohol and tobacco, the increase in cases of sexually transmitted diseases (SDTs) and HIV/AIDS among youth, and the growing use of abortion as a method of birth control. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for alcohol and drug addiction. It also notes the lack of sufficient prevention and rehabilitation information, especially on reproductive health in the schools.

40. The Committee recommends that the State party increase its efforts to promote adolescent health, including mental health policies, particularly with respect to alcohol consumption, substance abuse and reproductive health, and develop a programme for health education in schools. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of STDs and HIV/AIDS, in order to be able to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible, without parental consent when this is in the best interests of the child.

Adequate standard of living

41. The Committee expresses its concern at the high proportion of families, in particular those with three or more children, living at the subsistence level and families threatened with eviction because of the effect of the transition to a market economy on the social welfare system as a whole.

42. In light of articles 3, 4, 6, 26 and 27 of the Convention, the Committee encourages the State party to take all appropriate measures to the maximum extent of its available resources, in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure, to the maximum extent possible, the survival and development of all children living in Latvia.

6. Education, leisure and cultural activities

Education

43. The Committee notes with concern the high number of children not attending compulsory primary school. Further, it expresses its concern at the fact that a number of schools in rural areas have been closed and that the quality of education provided in rural areas is inferior to that in urban areas.

44. In light of article 28 of the Convention, the Committee recommends that the State party undertake appropriate measures to ensure regular attendance at schools and the reduction of drop-out, including by continuing the "School is waiting for you" campaign carried out by the National Centre for Protection of Children's Rights to inform society of the need to ensure that all children attend primary school, and to assist local governments in their work to implement regulations on registration of children. Further, it encourages the State party to undertake measures to facilitate the regular attendance at school of children from poor and/or dysfunctional families.

7. Special protection measures

Administration of juvenile justice

45. The Committee is concerned that the juvenile justice system is not fully in compliance with the Convention and that the justice system as a whole is not efficient. In particular, it expresses its concern at reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded. Further, it expresses its concern at cases of juvenile offenders kept in adult prison facilities and that there are no programmes for their rehabilitation and reintegration into society.

46. The Committee recommends that the State party review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to ensuring child-friendly practices by the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. In particular, it reminds the State party that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to detention should be used whenever possible. The Committee recommends that the State party incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Sexual exploitation and trafficking

47. The Committee notes with concern that prostitution is rapidly spreading among minors and that the only rehabilitation programmes available are short term.

48. The Committee recommends that the State party implement the National Programme for the Prevention of Sexual Violence for 2000-2004, in particular its rehabilitation and reintegration aspects. Further, it recommends that the State party undertake a study of commercial sexual exploitation and abuse of children in order to understand its scope and causes and to develop programmes for monitoring the problem and to prevent and combat it, taking into account the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children. In particular, it encourages the State party to prevent the criminalization and stigmatization of the victims.

Children living in the streets

49. The Committee expresses its concern at the significant number of children living in the streets. It notes that even though the Law on the Protection of the Rights of the Child covers children living in the street, no specific mechanisms have been established for its implementation and that assistance to the children living in the streets is generally provided only by non-governmental organizations.

50. The Committee recommends that the State party support existing mechanisms to provide children living in the streets with food, clothing, housing, health care and educational opportunities, including vocational and life-skills training. Moreover, the State party should ensure that these children are provided, whenever necessary, with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

Children belonging to minority groups

51. The Committee notes with concern that the Education Law of 1998 foresees that, as of 2004, all State-funded schools will provide secondary education in Latvian only, while bilingual education will be available only until 9th grade. Further, it notes the slow pace of the National Programme for Integration of Society in Latvia, owing in particular to a lack of funding.

52. The Committee encourages the State party to ensure that children belonging to minorities can also use their own language in secondary education, in accordance with articles 29 and 30 of the Convention. Further, it encourages the enforcement of the integration process, in particular at community level, and the provision of more information about the process.

Optional protocols

53. The Committee takes note of the fact that the Government of Latvia has started the internal procedure of accession to the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts.

54. The Committee invites the State party to continue this process and to ratify the two Optional Protocols to the Convention.

9. Dissemination of reports

55. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.143
23 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Liechtenstein

1. The Committee considered the initial report of Liechtenstein (CRC/C/61/Add.1), received on 22 September 1998, at its 673rd and 674th meetings (see CRC/C/SR.673 and 674), held on 10 January 2001, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report in accordance with the guidelines for reporting as well as the written replies to its list of issues (CRC/C/Q/LIE/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee expresses appreciation for the information provided by the delegation during the dialogue.

* At the 697th meeting, held on 26 January 2001.

B. Positive aspects

3. The State party's accessions to the Convention on the Elimination of All Forms of Discrimination against Women (1995), the International Covenant on Civil and Political Rights (1999), the International Covenant on Economic, Social and Cultural Rights (1999), and the International Convention on the Elimination of All Forms of Racial Discrimination (2000), and to the European Convention on Human Rights, are considered as positive measures.

4. The Committee welcomes the establishment of the national youth parliament, which strengthens the active participation of young people in societal activities.

5. The Committee notes with appreciation that the State party is hosting a large number of refugees from the Balkan region.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Reservations

6. The Committee welcomes the State party's preparation of legislation that will further facilitate access to Liechtenstein citizenship for stateless persons. In this regard, it further welcomes the intention of the State party to withdraw its reservations to article 7 of the Convention and to accede to the relevant international conventions on statelessness.

7. The Committee encourages the State party to complete the revision of the legislation regarding acquisition of Liechtenstein citizenship as soon as possible, in light of the Convention. Additionally, the Committee encourages the State party to pay special attention to the position of children born in Liechtenstein to stateless parents. In this connection, the Committee also recommends that the State party withdraw its reservation to article 7 at the earliest possible opportunity and ratify the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

8. The Committee is concerned about the reservation made by the State party to article 10 (2) of the Convention as well as the State's policy regarding family reunification. These suggest that the State party has serious difficulties in dealing with applications for the purpose of family reunification in a positive, humane and expeditious manner and without adverse consequences for the applicants.

9. The Committee recommends that the State party take the necessary legal and other measures to establish a practice in the area of family reunification in accordance with the principles and provisions of the Convention. The Committee further encourages the State party to consider the withdrawal of its reservation to article 10 (2) of the Convention.

Legislation

10. The Committee is aware of the current revision of the Youth Act (1979) and notes the efforts of the State party to involve youth in the process. However, it remains concerned that the laws relevant to children are not yet fully in compliance with the principles and provisions of the Convention.

11. The Committee encourages the State party to continue the revision of the Youth Act (1979), with the involvement of children. Additionally, the State party should undertake further legislative review to ensure full compliance with the Convention and its rights-based approach.

Independent monitoring

12. While the Committee notes that the State party publishes annual reports on the implementation of the Convention, it is concerned that there is no mechanism that can independently monitor implementation and address violations of the rights of children.

13. The Committee recommends that the State party establish an independent, child-friendly monitoring mechanism, such as an ombudsperson for children or a national commission for children's rights, in accordance with the Paris Principles (General Assembly Resolution 48/134), to monitor the implementation of the Convention. Such a mechanism should be empowered to investigate and make recommendations regarding violations of the rights of children and other shortcomings in the implementation of the Convention.

Data collection

14. The Committee notes with concern the lack of adequate data-collection mechanisms within the State party to ensure the collection of disaggregated data on all aspects of the Convention and to effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

15. The Committee recommends that a comprehensive system of data collection be introduced in Liechtenstein incorporating all the areas covered by the Convention. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Cooperation with civil society

16. The Committee is concerned at the limited participation of civil society and non-governmental organizations in the implementation of the Convention, including in the preparation of reports.

17. The Committee encourages the State party to consider more proactive measures to systematically involve civil society and non-governmental organizations in the implementation of the Convention.

Dissemination of the Convention

18. While noting initial efforts to disseminate the Convention, the Committee considers that education for children and training activities for professional groups on children's rights need ongoing attention.

19. The Committee recommends that the State party renew its efforts to disseminate the Convention both to children and to the broader public. It also recommends that the State party undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, teachers, health personnel including psychologists, and social workers.

2. General principles

Non-discrimination

20. While the Committee is aware of the initial measures taken by the State party, it remains concerned about the instances of de facto gender discrimination. Concern is also expressed at incidents of racial hatred that can have a negative effect on the development of children.

21. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party strengthen its administrative measures to eliminate de facto discrimination against girls. The Committee further recommends that the State party renew its campaign, held in 1995, against racism, xenophobia and related intolerance with the view, inter alia, to preventing prejudices and hostilities towards foreigners among children and adolescents.

Best interests of the child and respect for the views of the child

22. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect for the views of the child), are not fully applied and duly integrated into the implementation of the policies and programmes of the State party.

23. The Committee recommends that further efforts be made to ensure the implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, particular emphasis should be placed on the right of the child to participate in the family, at school, within other institutions and bodies, such as the Youth Council, and generally in society. The general principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

3. Family environment and alternative care

Protection from abuse and neglect

24. The Committee notes the special attention given to domestic violence, including the establishment of a State-supported shelter for abused women and their children and a legislative proposal to make expulsion of perpetrators from the home possible. However, the Committee is concerned about the possible under-reporting of abuse of children as well as the fact that medical doctors are exempted from the obligation to report cases of child abuse. In this connection, the Committee also expresses concern regarding the lack of statistical data on physical and sexual abuse of children.

25. In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitative measures, to prevent and combat abuse and ill-treatment of children within the family and at school. The Committee suggests that the State party reconsider the rule concerning the reporting of cases of child abuse by medical doctors in order to make the reporting system more effective and take other measures to reduce under-reporting of child abuse. Adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders.

4. Basic health and welfare

Adolescent health

26. The Committee notes with interest the comprehensive approach to implementing primary prevention of drug abuse among adolescents, focusing on the development of a strong personal identity together with a positive self-image. However, the Committee remains concerned about the health problems faced by adolescents within the State party.

27. The Committee recommends that the State party continue with and expand to other areas the comprehensive approach of primary prevention, in particular concerning alcohol abuse and also with regard to the possibility of adolescents making independent decisions in health matters that directly affect them. Furthermore, the Committee recommends the State party to continue and strengthen its activities to prevent HIV/AIDS and STDs and teenage pregnancies and to pay special and increased attention to adolescent victims of road accidents.

5. Special measures of protection

Administration of juvenile justice

28. With regard to the administration of juvenile justice, the Committee is concerned about the lack of disaggregated statistics on the types of offences with which minors are generally charged, as well as on the average length of sentences and pre-trial detention. Concern is also expressed regarding the insufficient information concerning the practice and procedure of monitoring the situation of children who, owing to the lack of facilities in the State party, are in detention in Austria.

29. The Committee recommends that the State party pay close attention to the practice of juvenile justice through, inter alia, the systematic collection of disaggregated data and monitoring, particularly with respect to the children in detention in Austria. All additional appropriate measures should be taken to ensure full compatibility with the Convention, especially articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Sexual exploitation and sexual abuse

30. While the Committee is aware that the State party is in the process of amending its legislation against sexual abuse, it is concerned at the lack of information on this social phenomenon.

31. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to strengthening current policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee further recommends that the State party complete the enactment of its legislation against sexual exploitation and abuse. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

6. Ratification of the Optional Protocols

32. The Committee is aware that the State party has signed the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

33. The Committee encourages the State party to reinforce its efforts to ratify these instruments.

7. Dissemination of the reports

34. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.144
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Ethiopia

1. At its 675th and 676th meetings (see CRC/C/SR. 675-676), held on 11 January 2001, the Committee on the Rights of the Child considered the second periodic report of Ethiopia (CRC/C/70/Add.7), which was received on 28 September 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the prompt submission by the State party of its second periodic report, the written answers to the list of issues (CRC/C/Q/ETH/2) and the additional information provided. The Committee notes with appreciation the useful statistical information included in the report and the frank and constructive efforts made by the delegation, led by a high-level representative, to provide additional information in the course of the high quality dialogue.

* At the 697th meeting, held on 26 January 2001.

B. Follow up measures undertaken and progress achieved by the State party

3. The Committee notes the establishment of the Justice and Legal Systems Research Institute, which is contributing to the review of existing national legislation in the light of the standards set by applicable international human rights instruments, including the Convention on the Rights of the Child. The Committee notes, in addition, the recent ratification of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

4. The Committee notes the State party's adoption of a new Family Code which incorporates many of the principles and provisions of the Convention and amends some aspects of existing legislation which are in contradiction with the Convention, for example, in the context of discrimination against women and girls.

5. The Committee congratulates the State party on its establishment of an independent Commission on Human Rights and the office of Ombudsman, which will include children's rights within their responsibilities.

6. The Committee notes the interim prohibition by the Ministry of Education of the use of corporal punishment in schools. The Committee notes, also, the establishment of "AIDS awareness clubs" in high schools. The Committee notes, in addition, the establishment of childcare and protection units in 10 police stations in Addis Ababa.

7. The Committee notes the State party's efforts to introduce, as a general policy, a form of systematic child participatory education and that children's rights are included within the curricula of schools.

8. The Committee welcomes the translation, by the State party and NGOs, of the Convention into 11 local languages and other efforts made to publicize the Convention. The Committee notes the many efforts made to raise awareness of the Convention, including through the training of police officers and the use of radio and print media.

9. The Committee notes with appreciation the significant efforts made by the State party to receive and assist large numbers of refugees from neighbouring countries. The Committee notes, further, the recent peace agreement between the State party and Eritrea.

C. Factors and difficulties impeding the implementation of the Convention

10. The Committee notes the continuing incidence of natural disasters, including drought and floods, during the reporting period. The Committee notes also the negative impact upon respect for children's rights of the period of armed conflict with Eritrea.

11. The Committee notes, in addition, the State party's continuing serious socio-economic problems and expresses its concern at the situation of human rights in general.

D. Principal subjects of concern and recommendations

D.1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

12. The Committee expresses its deep concern that many of the concerns it expressed and recommendations it made (CRC/C/15/Add.67) upon consideration of the State party's initial report (CRC/C/8/Add.27) have been insufficiently addressed. The Committee reiterates many of the same concerns and recommendations in the present document.

13. The Committee urges the State party to make every effort to address those of the recommendations contained in concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

Legislation

14. The Committee is concerned at the failure to enforce legislation which would serve to protect the rights of children, including: with regard to harmful traditional practices such as female genital mutilation, early and forced marriage and discrimination against children with disabilities. The Committee is concerned, further, that domestic law is not yet fully compatible with the provisions and principles of the Convention, that the process of drafting and adopting new legislation is slow and that, in addition, some customary practices which are prejudicial to children's rights may still be applied instead of modern domestic legal provisions. The Committee is concerned also that the Convention has yet to be published in the Official Gazette, as recommended in the Committee's concluding observations on the State party's initial report.

15. The Committee recommends that the State party strengthen its efforts to implement and enforce those aspects of domestic legislation which serve to protect children's rights, giving particular attention to problems of harmful traditional practices, early and forced marriage and discrimination against children with disabilities. The Committee recommends, in addition, that the State party take steps, <u>inter alia</u> through amendment or enactment, to ensure that domestic legislation is fully compatible with the principles and provisions of the Convention and to ensure that new legislation reaches the adoption stage rapidly. The Committee recommends, further, that the State party make additional efforts to ensure that domestic law is applied in preference to customary practices which may infringe children's rights. The Committee also recommends that the State party publish the Convention in the Official Gazette.

Coordination mechanisms

16. The Committee notes the absence of a government body with the necessary capacity and profile to coordinate and develop State policy with regard to children's rights. The Committee notes, in particular, that the current Department for Children, Youth and Family Affairs, within the Ministry of Labour and Social Affairs, has insufficient financial and human resources to accomplish its task.

17. The Committee recommends that the State party strengthen its institutional capacity to coordinate and implement children's rights policies effectively. The Committee recommends, in particular, that the national-level mechanism with responsibility for coordination and implementation of children's rights policy, currently the Department for Children, Youth and Family Affairs, within the Ministry of Labour and Social Affairs, be provided with adequate resources to perform its task. The Committee recommends, further, that children's rights committees at the regional, "zonal" and "Woreda" levels be strengthened.

Implementation of studies and policies/allocation of budgetary resources

18. The Committee is concerned that the State party has insufficiently implemented the many recommendations of studies, plans of action and policies focusing on children and their rights. The Committee is concerned, in particular, that the State party has not made adequate budgetary resources available for implementation of the Convention and that some relevant budgets have decreased since the State party's submission of its initial report. The Committee notes, for example, aspects of the State party's March 1994 Social Policy addressing the special protection requirements of, inter alia, children, which have yet to be implemented. The Committee notes, further, the State party's limited progress in implementing the national plan of action for women and children. In addition, and particularly in the context of high military expenditure, the Committee is deeply concerned that the State party has not sought to implement the Convention to the maximum extent of available resources.

19. The Committee urges the State party to implement recent and current study recommendations, plans of action and policies which reinforce the protection of children's rights. Further, and in the light of article 4, the Committee urges the State party to allocate the maximum amount of available resources to implementation of the Convention.

Monitoring mechanisms

20. While noting that the State party has the position of independent human rights commissioner, with a deputy commissioner for children and women's rights, and an office of ombudsperson for human rights, the Committee remains concerned that these mechanisms are not yet operational.

21. The Committee recommends that the State party proceed with the establishment of independent monitoring mechanisms and give them competence and sufficient resources to address children's rights concerns. The Committee recommends, in particular, that the State party pursue its efforts to ensure the appointment of an independent human rights commissioner, with a deputy commissioner for children's and women's rights, and the establishment of an office of ombudsperson for human rights, including a focus on children's rights.

Data collection

22. The Committee is concerned at the absence of essential data on the implementation of the Convention and the situation of children and that, in this regard, insufficient progress has been made in implementing the recommendations contained in paragraph 26 of its concluding observations on the State party's initial report.

23. The Committee recommends that the State party pursue its efforts to establish a database project, with a view to collecting data relevant to the implementation of the Convention across the country. The Committee recommends, in addition, that data collected cover all children up to the age of 18 and that the data be analysed and used in the elaboration of policies and programmes, as well as for follow-up and evaluation purposes.

Training on the Convention

24. The Committee is preoccupied that, in spite of the State party's efforts, the concerns expressed in paragraph 10 of the Committee's concluding observations on the State party's initial report have not been adequately addressed and that public officials working with or for children, and who have a role in their protection, are insufficiently trained in children's rights.

25. In the light of article 42, the Committee urges the State party to make additional efforts to provide training on the Convention's provisions for professionals, inter alia law officials, teachers, civil servants in ministries with a significant impact on children, child welfare and development professionals and health workers. The Committee recommends that the State party make further efforts to disseminate the Convention, inter alia through the media, in schools, through public information campaigns and through the use of traditional methods and structures at the Woreda level, giving particular attention to persons with low literacy skills and those who do not have access to radios. The Committee recommends that the State party consider seeking technical assistance from UNICEF and OHCHR in this regard.

Cooperation with NGOs

26. The Committee is concerned that the legislation providing a framework for the activities of NGOs is outdated and that cooperation with NGOs is insufficient.

27. Recognizing the progress already made, the Committee recommends that the State party update the legislative framework within which NGOs are registered and function. The Committee also recommends that the State party make greater efforts to strengthen its cooperation with NGOs.

D.2. Definition of the child (art. 1)

28. The Committee is concerned at the very low legal minimum age of criminal responsibility (9 years). The Committee is also concerned that children aged 15 to 18 are effectively considered to bear the same criminal responsibility as adults, albeit that lesser penalties are applied to them than are applied to adults.

29. The Committee urges the State party to raise the minimum age of criminal responsibility and to ensure that children aged 15 to 18 years are accorded the protection of juvenile justice provisions and are not treated as adults. The Committee recommends that the State party take advantage of the ongoing review of the Penal Code to introduce relevant changes to the law.

D.3. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

30. While noting the State party's strong non-discrimination constitutional provisions, the Committee is concerned, nevertheless, that children and their families who are members of ethnic groups which are in a minority in a particular region, or which are not in control of the region's administration, face discrimination. The Committee is concerned, in addition, that girls and children with disabilities face extensive discrimination, inter alia, in terms of their access to education. The Committee is concerned, further, that societal discrimination against women and against adults with disabilities limits the opportunities for girls and for children with disabilities to achieve full respect for their rights.

31. The Committee recommends that the State party make appropriate additional efforts to strengthen implementation of the non-discrimination provisions of the Constitution, giving particular attention to the situation of children from ethnic groups which are a minority within a particular province, to girls, to children with disabilities and to discrimination against women. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Life, survival and development

32. The Committee joins the State party in expressing concern at the insufficient respect for children's rights to life, survival and development in the State party (see paragraph 39 of the State party's report).

33. The Committee urges the State party to continue to make every effort to achieve respect for children's rights to life, survival and development, including through improved economic development, strengthening of social infrastructure and efforts to alleviate poverty. The Committee recommends that the State party give special attention to children living in rural areas and to refugee and internally displaced children.

D.4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a))

Birth registration

34. The Committee joins the State party in expressing deep concern at the very low levels of birth registration in the State party.

35. The Committee recommends that the State party continue and strengthen its ongoing efforts to establish institutional structures, for example through the use of mobile registration centres, in order to ensure full birth registration throughout the country. The Committee recommends, in addition, that information campaigns be used to inform the population of birth registration requirements.

Right to be heard and freedom of expression

36. While noting recent changes to the Family Code providing children with the right to be heard in divorce cases, and the creation of the Children's Forum, the Committee is concerned that children's right to be heard is insufficiently respected, particularly in rural areas. The Committee is concerned, further, that young children and adolescents are not always permitted to express their opinions freely. While noting substantial improvements over the past decade, the Committee remains concerned that a broad range of the human rights of adults are not thoroughly respected and that this situation may create an environment in which the civil rights and freedoms of children are also not fully respected.

37. The Committee recommends that the State party strengthen its efforts to ensure that children's right to be heard is respected. The Committee recommends, in addition, that the State party make every effort to ensure that the right of children and adolescents to express opinions, including through peaceful demonstrations, is respected and that appropriate follow-up is given to recommendations of the Children's Forum. The Committee recommends, further, that the State party make additional efforts to guarantee general respect for the human rights of adults. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Corporal punishment

38. While noting the Ministry of Education's interim measures prohibiting the use of corporal punishment in schools, the Committee remains concerned that, in practice, corporal punishment remains common in schools and in the context of the family.

39. In the light of article 28.2 of the Convention, the Committee recommends that the State party permanently prohibit all forms of corporal punishment, including in the context of school and the family, inter alia, through the enforcement of appropriate legislation, through awareness raising activities for parents, teachers and other relevant groups and through the training of teachers in alternative disciplinary sanctions which are

not harmful to children. The Committee recommends that, for this purpose, the State party consider taking advantage of the current drafting of a new penal code. The Committee recommends, in addition, that children be provided with mechanisms through which they can report and complain of corporal punishment practices.

D.5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)

Family unity and standard of living

40. While recognizing the State party's ongoing poverty alleviation efforts, the Committee remains concerned that many families are under pressure as a result of population displacement, armed conflict, drought, poverty and illness. The Committee is concerned, in addition, at the continuing practice of early and forced marriage of children, and of girls in particular.

41. The Committee recommends that the State party strengthen and fully implement its poverty alleviation programme and develop programmes to strengthen family unity, providing assistance to displaced populations and to very poor communities in particular. The Committee also recommends that every effort be made to ensure that provisions in the new Family Code which raise the minimum age for marriage of both girls and boys to 18 are respected in practice and that forced marriages are prevented.

Family reunification

42. The Committee is concerned that, in the context of population displacement caused by natural disasters or armed conflict, many children have been separated from their families.

43. The Committee recommends that the State party continue and strengthen its efforts to ensure family reunification, and that assistance be sought from UNICEF and the Office of the United Nations High Commissioner for Refugees in this regard.

Adoption

44. The Committee is concerned that children in the State party may be vulnerable to abuses of their rights in the context of adoption, including intercountry adoption.

45. In the light of article 21 and other relevant provisions of the Convention, the Committee recommends that the State party take further steps, through domestic law and implementation procedures, to protect and promote the rights of children in the context of adoption and to consider acceding to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Violence against women; child abuse

46. The Committee is concerned that violence against women in the context of the family remains widespread and continues to have a negative impact on children. The Committee is concerned, in particular, that domestic violence against women may lead to child abuse in the family.

47. The Committee recommends that the State party make further efforts to address and condemn violence against women, including in the context of the family. The Committee recommends that the State party take steps to monitor and address any incidence of violence and sexual or other abuse against children.

Separation of parents; child custody and child maintenance payments

48. While noting the very positive changes made to the Family Code, which, inter alia, establish fathers and mothers on a more equal legal base in the context of family separation than was previously the case, the Committee remains concerned that traditional and discriminatory practices may continue in spite of the new legislation.

49. The Committee recommends that the State party make every effort to ensure that the provisions of the new Family Code are known by the population and respected and implemented in practice, and that structures are put in place to empower parents and children to claim child maintenance payments.

Alternative care

50. The Committee is concerned at the predominant use of institutional responses to provide assistance to children in difficulty and that children who are cared for in institutions for many years, and until the age of 18, are not given the educational and vocational skills necessary for them to make an independent living once they leave the institution.

51. While urging the State party to avoid recourse to the institutionalization of children as a form of alternative care, the Committee recommends that the State party ensure that children cared for by State or private institutions are given all the assistance they need, including an education and suitable vocational training, to enable them to establish a life for themselves after leaving the institution.

D.6. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3)

Health standards

52. The Committee is deeply concerned at the extremely high infant mortality rates and low life expectancy in the State party. The Committee is concerned, in particular, at the high incidence of malaria and tuberculosis and their effects upon children, at the fragile health

infrastructure, limited health awareness among the public and the limited implementation of the 1993 Health Policy and the 1994 Social Policy. The Committee is deeply concerned that implementation of health policies has been slow and that only limited progress has been achieved in this area.

53. The Committee urges the State party to ensure that access to primary health care services is increased, that national health infrastructure is strengthened and that public health education programmes are used to lower infant mortality rates and raise life expectancy in the State party. The Committee recommends that the State party seek assistance from the World Health Organization, UNICEF and the United Nations Development Programme in this regard.

Social services

54. The Committee is concerned at the continuing absence of social welfare services, in spite of provisions contained in the 1994 Social Policy.

55. The Committee recommends that the State party make further efforts to implement the provisions of its 1994 Social Policy, and that the Policy be updated to take into account current circumstances.

Children with disabilities

56. The Committee is concerned at the relative absence of information on the situation of children with disabilities in the State party and the absence of programmes in favour of children with disabilities.

57. The Committee recommends that the State party urgently gather disaggregated data on the numbers and situation of children with disabilities in Ethiopia, and make greater efforts to ensure respect for their rights.

HIV/AIDS

58. The Committee is concerned at the large number of children with HIV/AIDS or who are affected by the HIV/AIDS-related illness or death of their parents and other family members, and at the need for concerted action by the State party.

59. **The Committee urges the State party to make efforts to remain informed of the scale of the HIV/AIDS problem in the country, to reduce the spread of HIV/AIDS and to provide assistance to children with HIV/AIDS and to children whose parents and other family members have HIV/AIDS. The Committee further recommends that the State party give particular attention to HIV/AIDS orphans and to ensuring that children with HIV/AIDS are not discriminated against. The Committee recommends that the State party make use of educational measures, inter alia.**

Adolescent health

60. The Committee is concerned at the insufficient provision for adolescent health care and at the high incidence of early pregnancy in the State party. The Committee is concerned, in addition, at the incidence of sexually transmitted diseases.

61. The Committee recommends that the State party make every effort to improve adolescent health services, to lower the incidence of early pregnancy and to lower the incidence of sexually transmitted diseases through, inter alia, improved reproductive health education and child-friendly counselling services.

Mental health

62. The Committee is concerned that there is inadequate information on mental health related problems, and insufficient mental health care facilities, in the State party.

63. The Committee recommends that the State party make further efforts to gather information on the mental health situation in Ethiopia, to improve mental health services and to increase the numbers of mental health personnel.

Harmful traditional practices

64. Recognizing that there has been some improvement, the Committee, nevertheless, remains deeply concerned at reports from the National Committee on Traditional Practices in Ethiopia (NCTPE) (September 1998) indicating that 72.7 per cent of the female population undergoes some form of female genital mutilation. The Committee is concerned, further, at other practices reported by the NCTPE, including uvulectomy, milk-teeth extraction and forced marriage.

65. The Committee urges the State party to continue and strengthen its current efforts to end practices of female genital mutilation, early and forced marriage and other harmful traditional practices, and recommends that the State party take advantage of the experience gained by other countries.

D.7. Education, leisure and cultural activities (arts. 28, 29, 31)

Access to education

66. The Committee is deeply concerned at the very low rates of primary and secondary school enrolment, at the especially low rate of enrolment among girls and at the very high drop-out rate. The Committee is concerned, in addition, that insufficient resources among education authorities, schools and parents are having a negative impact on children's enrolment in and completion of primary and secondary school.

67. The Committee recommends that the State party pursue its efforts to increase enrolment, build additional schools, supply better school equipment, improve teacher training and recruit more teachers in order to improve the quality of education, giving

particular attention to those regions most in need of such assistance. The Committee recommends that the State party take action to assist with the costs of education, inter alia, school uniforms and fees, for those children with insufficient means. The Committee urges the State party to make every effort to increase the enrolment of girls at both primary and secondary school levels and to ensure that all children enrolled are able to complete their education. The Committee recommends that the State party seek assistance from UNICEF and UNESCO in this regard.

D.8. Special protection measures (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

Children in armed conflict

68. The Committee is concerned by the effect of the recent armed conflict on children, particularly children living in the conflict region.

69. The Committee urges the State party to make every effort to ensure that the recent peace agreement leads to a lasting peace and that children are protected from the effects of armed conflict. The Committee recommends, in particular, that the State party ensure that relevant children's rights concerns are taken into consideration in peace related deliberations and other activities, and that demining efforts are continued. The Committee recommends that the State party seek assistance from UNICEF and the United Nations Mission to Ethiopia and Eritrea (UNMEE) in this regard.

Internally displaced and refugee children

70. The Committee is concerned at the difficult situation faced by refugee and internally displaced children and their families in the State party, including in terms of their access to education and health services and in terms of family reunification.

71. The Committee recommends that the State party continue and strengthen its efforts to provide assistance to refugee and internally displaced children and their families, including with regard to education and health services and family reunification and reinstallation. The Committee recommends that the State party continue its cooperation with UNHCR in this regard.

Sexual exploitation, rape, abduction and prostitution

72. The Committee is deeply concerned at reports of sexual exploitation, prostitution, rape and other sexual abuse of children.

73. The Committee urges the State party to address urgently practices of sexual exploitation, rape and other sexual abuse of children through, inter alia, the provision of care to and the rehabilitation and social reintegration of victims, the enforcement of criminal law, the prosecution of perpetrators of these acts and increased monitoring and reporting of such incidents. The Committee recommends, further, that the State party undertake grassroots awareness campaigns on sexual exploitation and other sexual abuse of children, including the translation of relevant terms into local languages. The

Committee also recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.

Children living and/or working on the streets; child labour

74. The Committee is concerned at the large numbers of children living or working on the streets of the main cities in the State party, and at their lack of access to education, health care, essential nutrition and housing. The Committee is also concerned at the numbers of children involved in child labour.

75. The Committee recommends that the State party make urgent efforts to protect the rights of children currently living and/or working on the streets, including through the provision of education, health care, nutritional aid and alternative care assistance. The Committee recommends, in addition, that the State party address the causes of children falling into a situation of street life. The Committee recommends, further, that the State party make efforts to address the incidence of child labour and to respect and implement the provisions of International Labour Organization (ILO) Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The Committee recommends that the State party seek assistance from the ILO in this regard.

Juvenile justice

76. The Committee joins with the State party in expressing concern at weaknesses in the administrative and judicial infrastructure (see paragraph 35 of the State party's report). The Committee is concerned, in addition, that there is currently only one juvenile justice court in the country and only one remand home for child offenders, both in the capital city. The Committee notes that adult criminal courts are used to try juvenile cases and is concerned that the full range of protections provided by international juvenile justice standards may not be fully available in such instances. The Committee is further concerned that children are not separated from adults while in detention (see paragraph 31 of the State party's report) and that children aged 15 to 18 may not benefit from all the protections afforded by relevant juvenile justice standards and may, under the current legislation, be sentenced to the death penalty or to life imprisonment.

77. The Committee recommends that the State party conduct a review of its juvenile justice practices with a view to ensuring compliance with the principles and provisions of the Convention and with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee also recommends that the State party establish additional juvenile justice courts in different regions of the country. To the extent that adult criminal courts are used to try juveniles, the Committee recommends that judges and other relevant officials be provided with juvenile justice training. The Committee further recommends that the capacity of correctional facilities to provide for children be increased in order to meet minimum standards defined in international instruments and that the State party implement

measures to ensure that children are detained and imprisoned only as a measure of last resort, for the minimum time possible and in separate facilities from those used for adults. The Committee recommends that the Penal Code be amended to ensure that all children, including those aged 15 to 18, benefit from the protections afforded by international juvenile justice standards and to ensure that children under 18 years of age cannot be sentenced to the death penalty or to life imprisonment. The Committee recommends that the State party seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Ratification of the two Optional Protocols

78. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

Dissemination of the report, written answers and concluding observations

79. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.145
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Egypt

1. At its 679th and 680th meetings (see CRC/C/SR. 679 and 680), held on 15 January 2001, the Committee on the Rights of the Child considered the second periodic report of Egypt (CRC/C/65/Add.9), which was received on 18 September 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the second periodic report was prepared according to the Committee's guidelines for reporting. The Committee regrets, however, that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. The Committee appreciates the detailed written replies to the list of issues and the provision of additional documentation. It further notes with appreciation the presence of a high-level delegation, which contributed to an open and frank dialogue.

---

* At the 697th meeting, held on 26 January 2001.

B. Follow-up measures undertaken and progress achieved

3. The Committee welcomes the adoption of the 1996 Children's Code and the declaration of the Second Decade for the Protection and Welfare of the Egyptian Child (2000-2010), which continue to demonstrate the commitment of the State party to realizing its obligations under the Convention.

4. The Committee welcomes the ratification by the State party in 1999 of the Minimum Age Convention (No. 138) of the International Labour Organization

5. The Committee welcomes the timely submission of the National Report on the Follow-up to the 1990 World Summit for Children, which indicates significant achievements, particularly with respect to infant/child mortality rates and immunization, while acknowledging shortcomings in other areas.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous concluding observations

7. The Committee is concerned that many of the concerns and recommendations (CRC/C/15/Add.5) it made upon consideration of the State party's initial report (CRC/C/3/Add.6) have been insufficiently addressed. The Committee notes that many of the same concerns and recommendations are made in the present document.

8. **The Committee urges the State party to make every effort to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

Reservation

9. The Committee observes that the State party's reservation to articles 20 and 21 of the Convention is unnecessary. It points out that article 20 (3) of the Convention expressly recognizes kafalah of Islamic law as a form of alternative care. Article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which does not apply to the State party because it does not recognize the system of adoption.

10. **The Committee recommends that the State party continue its efforts to consider withdrawal of its reservation to articles 20 and 21 of the Convention, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993).**

Coordination

11. The Committee notes the efforts to improve the effectiveness of the National Council of Childhood and Motherhood (NCCM) in monitoring and coordination to implement the Convention. Nevertheless, the Committee is concerned that administrative coordination and cooperation at the national and local levels of government remain inadequate.

12. **The Committee recommends that the State party continue to improve intersectoral coordination and cooperation at and between national and local levels of government. It further recommends that the State party provide adequate support to local authorities, including development of professional capacity, for implementation of the Convention. Moreover, the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under ratified international human rights treaties, including the Convention, through an open and consultative process, in accordance with the Vienna Declaration and Programme of Action (para. 71).**

Civil Society

13. Noting efforts to increase collaboration with non-governmental organizations, including efforts to establish an NGO liaison office in the secretariat of the NCCM, as well as the recent draft legislation on NGOs, the Committee is still concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

14. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the Committee recommends that the State party ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. The Committee recommends that greater efforts be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society and encourages the State party to support initiatives aimed at strengthening the role of civil society.**

Data collection

15. While noting that the analysis of data is an essential function of the NCCM, the Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected by the Central Agency for Public Mobilization and Statistics.

16. **The Committee recommends that the State party ensure that such data are systematically collected and regularly updated so that they can be analysed and used as a basis to assess progress and design policies for the implementation of the Convention. The Committee encourages the State party to seek technical assistance in this regard from, among others, UNICEF, if necessary.**

Monitoring

17. The Committee notes that in addition to intersectoral coordination, the NCCM is also the body responsible for monitoring progress in the implementation of the Convention, as well as for receiving complaints pertaining to violations of child rights. The Committee emphasizes the importance of establishing an independent mechanism with a mandate to monitor and evaluate progress achieved in the implementation of the Convention.

18. **The Committee encourages the State party to consider the establishment of an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels. In addition, the institution should be empowered to receive and investigate complaints of violations of child rights in a child-friendly manner, and effectively address them. The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others.**

Dissemination of training on the Convention

19. The Committee is concerned at the low level of awareness among the general public of the Committee's previous concluding observations.

20. **The Committee recommends that the State party ensure that the concluding observations are widely disseminated not only among government agencies and professionals, but also among the public at large.**

21. Noting efforts undertaken by the NCCM to disseminate the provisions of the Convention amongst professionals working with and for children and among the general public, including children themselves, the Committee is nevertheless concerned at the low level of awareness of them and that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

22. **The Committee recommends that the State party strengthen its efforts in the dissemination of the Convention's provisions and of information regarding its**

implementation among children and parents, civil society, and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with and for children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others, in this regard.

2. Definition of the child

23. In light of its previous concluding observations, the Committee is concerned at the very low age of criminal responsibility, which is set at 7 years.

24. **The Committee recommends that the State party consider raising the age of criminal responsibility.**

25. In light of its previous concluding observations, the Committee is concerned that the disparity between the minimum age for marriage for males (18) and females (16) provided in the 1923 Law on Marriage Age is discriminatory. The Committee is also concerned about early and forced marriages, primarily in rural areas.

26. **The Committee recommends that the State party raise the minimum age for marriage for females to that for males. In addition, the Committee recommends that the State party continue its efforts in respect of public education campaigns to combat early and forced marriages, particularly in rural areas.**

27. The Committee is concerned at the discrepancy between the definition of a child, contained in article 2 of the 1996 Children's Code, as a person under 18 years and the age of majority, set at 21 years in article 44 of the 1948 Civil Law.

28. **The Committee recommends that the State party harmonize its legislation in accordance with the Convention in order to avoid the situation where there are effectively two categories of minors: those under 18 years and those between 18 and 20 years of age.**

3. General principles

The right to non-discrimination

29. In light of its previous concluding observations, and taking note of the efforts by the State party to address discrimination, including the establishment of a gender unit within the NCCM as well as of the National Council for Women, and of the promulgation of Law No. 1 of 2000

concerning the regulation of certain rules and procedures relating to litigation in cases of personal status law, the Committee remains concerned at the persistence of discrimination. In particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock under personal status laws (e.g. No. 25/1920, No. 25/1929, No. 260/1960, No. 100/1985, No. 77/1943) is incompatible with article 2. Notwithstanding constitutional and other guarantees of equality between the sexes, it considers that discriminatory personal status laws are the entry-point of discrimination against women in society. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in their low school enrolment and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under personal status laws (e.g. in relation to child custody upon separation) is incompatible with article 2. Concerning the 1975 Nationality Law, the Committee is concerned at the negative impact on children of restrictions on the right of an Egyptian woman to pass on her nationality to her child, particularly if she is married to a non-national.

30. **In accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. In concurrence with the findings of the Committee on Economic, Cultural and Social Rights (E/C.12/1/Add.4), the Committee recommends that the State party remove all provisions of the Nationality Law which discriminate against women, and also against children. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.**

31. In light of its previous concluding observations and taking note of efforts by the State party to combat poverty and its negative effects on children, the Committee remains concerned at the large disparities in the enjoyment of economic and social rights, particularly health and education, by children living in rural areas and regions lagging behind in socio-economic development.

32. **The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention**

without discrimination, in accordance with article 2. The Committee recommends that the State party prioritize and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services.

Best interests of the child

33. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not sufficiently taken into consideration, including in matters relating to family law (e.g. custody upon separation in article 20 of Law No. 25/1929 as amended, is determined by the child's age rather than the child's best interests and is discriminatory).

34. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and taken into consideration.**

Respect for the views of the child

35. Taking note of efforts by the State party, including the convening of a children's parliament, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

36. **The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers, and local officials to enable them to assist children to express their informed views and opinions and to have them taken into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.**

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

37. In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools despite its prohibition, and within the family. It is further concerned that domestic violence is a problem in Egypt and that this has harmful consequences on children.

38. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools, and in care institutions. The Committee recommends that these measures be accompanied by public education**

campaigns about the negative consequences of ill-treatment of children, and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and State mechanisms need to be established to: receive complaints in a child-friendly manner; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. In concurrence with the Committee on Economic, Social and Cultural Rights, the Committee recommends that the State party take effective measures to combat domestic violence and criminalize marital rape. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

5. Basic health and welfare

Children with disabilities

39. In light of its previous concluding observations, the Committee remains concerned at the situation of children with disabilities and that only a very small percentage receive specialized services.

40. **The Committee recommends that the State party review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69). The Committee recommends that the State party pursue the development of standardized definitions and terminology relating to disabilities for the purposes of collecting comprehensive data on these children. It encourages the State party to make greater efforts to promote community-based rehabilitation programmes and inclusive education; to address geographical disparities in the distribution of services (i.e. in rural areas, and regions such as Upper Egypt); to ensure the provision of services for children under four years, as well as severely mentally disabled children. The Committee encourages the State party to undertake greater efforts to make available the necessary resources and to seek assistance from UNICEF, WHO and relevant NGOs, among others.**

Right to health and health care

41. The Committee is concerned at the high incidence of anaemia and parasitic infections among children, particularly in rural areas.

42. **The Committee recommends that the State party improve its health infrastructure and continue to cooperate and seek assistance from UNICEF and WHO, among others.**

43. The Committee is concerned at the insufficient information available in relation to adolescent health, such as access to reproductive health services, STDs and HIV/AIDS prevention programmes, mental health counselling services and substance abuse education.

44. **The Committee recommends that the State party undertake a comprehensive study to understand the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO among others.**

45. Taking note of the Government's 1996 decision to prohibit female genital mutilation and the 1997 ministerial decree banning this practice in Ministry of Health service outlets, as well as various efforts to educate the public about the harm caused by this practice, including campaigns in the media and in the curricula, the Committee is concerned that the practice is still widespread.

46. **The Committee, concurring with the Committee on Economic, Social and Cultural Rights, recommends that the State party address the issue of female genital mutilation as a matter of priority. In addition, the State party is urged to design and implement effective education campaigns to combat traditional and family pressures in favour of this practice, particularly among those who are illiterate.**

6. Education, leisure and cultural activities

Aims of education

47. In light of its previous concluding observations and taking note of significant efforts by the State party to improve education coverage, enrolment and retention levels and the inclusion of the Convention in the school curricula, the Committee remains concerned at the poor quality of education in general. The Committee is further concerned at the lack of success of literacy programmes for school drop-outs.

48. **The Committee encourages the State party to continue its efforts to pursue universal access to education, targeting the girl child and children belonging to the most vulnerable groups. It recommends that the State party undertake a process of curriculum reform which stresses the development of critical thinking and problem-solving skills. In relation to the literacy classes, the State party is encouraged to study the reasons for their poor success rates, paying attention, inter alia, to programme content, class scheduling, and negative social perceptions held by young people of such classes. The Committee encourages the State party to seek assistance from UNICEF, UNESCO and relevant NGOs, among others.**

7. Special measures of protection

Economic exploitation

49. In light of its previous concluding observations, and taking note of efforts by the State party to address child labour, the Committee remains concerned about this problem. Its main concerns are:

(a) There are insufficient comprehensive and accurate data available on children working in Egypt;

(b) Regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, that there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions; and

(c) Eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.

50. **The Committee recommends that the State party establish an effective mechanism to collect disaggregated data on child labour, including violations, to serve as a basis for designing measures and evaluating progress in this area. The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have, and produce on demand, proof of age of all children working on their premises. The labour inspectorate should be strengthened to ensure effective monitoring and implementation of child labour standards in the private sector, family enterprises, agricultural activities and domestic labour, and it should be empowered to receive and address complaints of violations. The Committee further recommends that the State party continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards and to involve and train employers, workers, members of civic organizations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals. The Committee encourages the State party to continue its cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs. It recommends that the State party ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

Commercial sexual exploitation

51. The Committee is concerned at the insufficient data and awareness of the phenomenon of commercial sexual exploitation of children in Egypt.

52. **The Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures, and evaluating progress. The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual exploitation of children and penalizes all offenders involved, whether local or foreign, while ensuring that the child victims are not penalized. The Committee recommends that the State party: ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to adequately train personnel working with child victims. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation.**

Administration of juvenile justice

53. The Committee is concerned that status offences, such as begging and truancy, under article 96 of the Children's Code are in practice criminalized. Furthermore, the Committee is concerned at the absence of effective, child-friendly and independent complaints mechanisms for juvenile detainees, and that the right to social rehabilitative measures is not adequately guaranteed.

54. **The Committee recommends that the State party periodically review and assess the administration of juvenile justice, particularly the conformity of legislation and practice with articles 37, 39 and 40 of the Convention as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee recommends that the State party repeal status offences such as begging and truancy; ensure separation of children from adults in pre-trial detention; establish effective independent complaints mechanisms; and develop facilities and programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee recommends that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Optional Protocols

55. **The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of reports

56. **Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the second periodic report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.146
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Lithuania

1. The Committee considered the initial report of Lithuania (CRC/C/11/Add.21), received on 24 November 1998, at its 683rd and 684th meetings (see CRC/C/SR.683 and 684), held on 9 January 2001 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/LIT/1). The Committee notes with appreciation the high level and multidisciplinary character of the delegation from the State party and welcomes its positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee notes with appreciation the recent adoption of new laws, in particular the new Civil Code, with its new section on "Family Law", adopted in July 2000; the new Penal Code, with its sections on the criminal responsibility of juveniles and on offences against the

* At the 697th meeting, held on 26 January 2001.

child and the family, adopted in September 2000; and the Law on the Controller for the Protection of the Rights of the Child (Children's Ombudsman) of the Republic of Lithuania of May 2000. Further, it takes note of the adoption of the Law on the Amendment to the Law on State Benefits to Families with Children of 1997 and the Law on Child Care of 1998.

4. The Committee takes note of the National Service for the Protection of the Rights of the Child established under the Ministry of Social Security and Labour and the Services for the Protection of Children's Rights established in every municipality in Lithuania. Further, it notes the Council for Children's Affairs established under the jurisdiction of the President of the Republic of Lithuania to advise on the various institutions working in the field of child rights.

5. The Committee welcomes the appointment of the Children's Ombudsman who, inter alia, will monitor the implementation of children's rights in accordance with the Convention and investigate the individual complaints of violations of children's rights caused by the acts or omissions of authorities at the national and local levels from non-governmental organizations and individuals.

6. The Committee notes with appreciation the reform of the juvenile justice system and the measures taken to prevent juvenile delinquency in the context of the Programme on Juvenile Justice Reform and the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000.

7. The Committee welcomes the establishment of the Schoolchildren's Parliament in the context of the Year of the Youth, and notes that some of its members are actively collaborating with working groups under the Ministries of Education and Science in the discussions on and preparation of legislation and programmes relating to children and youth.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee recognizes that the transition to a market economy after independence in 1991 mainly affected families with children, thus impeding the full implementation of the Convention.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

9. The Committee notes that the implementation of some provisions of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996 required the adoption of new specific laws and is concerned these laws have not yet been enacted.

10. The Committee recommends that the State party expeditiously enact the laws necessary to fully implement the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996. It further encourages the State party to

take the necessary steps to ensure that all its legislation is fully in conformity with the principles and provisions of the Convention.

Coordination

11. The Committee is concerned at the absence of a focal point for children within the Government and of mechanisms, both at the central and local levels, for coordinating policies relating to children and for supervising and evaluating the implementation of the Convention. Further, while taking note of the particular structure of the Council for Children's Affairs under the President of the Republic of Lithuania, it expresses its concern that the Council is not being adequately used as a tool to strengthen the implementation of the Convention.

12. The Committee recommends that the State party consider establishing a focal point for children within the Government, which would be in charge of coordinating the work of the various ministries and that of the central and local authorities, in order to establish a better coordinated policy and action for the realization of children's rights, including stronger cooperation with non-governmental organizations. Further, the Committee recommends that the State party use the Council for Children's Affairs as a tool to strengthen the implementation of the Convention.

Allocation of budgetary resources

13. The Committee, while noting that the State party has been taking children's rights into consideration, both at the national and the municipal level, in a more structured way, is nevertheless concerned that a large number of families with children who live in poverty do not have enough support. Further, it notes that child-related programmes are not clear priorities in the State budget. It also expresses its concern that the appropriate financial and human resources have not yet been allocated for the implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

14. In light of article 4 of the Convention, the Committee recommends that, the State party undertake a study on the impact of the Government's budgetary resources allocated for children and their families in order to assess their effectiveness and to develop a comprehensive strategy to ensure the full implementation of the economic, social and cultural rights of children to the maximum extent of available resources, in particular at the local level and with respect to children belonging to the most vulnerable groups in society. The Committee further encourages the State party to clearly identify its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact of the expenditures on children. It also recommends that the State party allocate appropriate financial and human resources for the full implementation of the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania of 1996.

Data collection

15. The Committee is concerned at the lack of a comprehensive system for the collection of disaggregated data for all areas covered by the Convention and in relation to all groups of

children. Such data are needed to monitor and evaluate the progress achieved in the implementation of the policies adopted with respect to children and to assess their impact.

16. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to minorities; refugee and asylum-seeking children; children in conflict with the law; working children; adopted children; children living in the streets and in rural areas; and missing children. It further encourages the State party to use the indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of the principles and provisions of the Convention

17. The Committee, while acknowledging the efforts of the State party in training professionals working with and for children, nevertheless notes with concern that the principles and provisions of the Convention are not disseminated at all levels of society, notably in rural areas and among children.

18. In light of article 42, the Committee recommends that the State party strengthen its efforts to develop more creative methods to promote the Convention, including through audiovisual aids, such as picture books and posters, at all levels of society and in particular for children. The Committee also recommends that the State party continue in its efforts to provide adequate and systematic training and/or sensitization of professionals groups working with and for children such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system.

2. General principles

General principles

19. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and political, administrative and judicial decisions, as well as in its policies and programmes relevant to children both at the national and the local level.

20. The Committee recommends that the State party continue to strengthen its efforts to integrate the general principles of the Convention, in particular the provisions of articles 2, 3 and 12, in all relevant legislation concerning children, and to apply them in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level as well as actions taken by social welfare institutions, courts of law and administrative authorities.

Non-discrimination

21. The Committee expresses its concern at the fact that the principle of non-discrimination is not being fully implemented for children living in vulnerable families and in institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.

22. The Committee recommends that the State party collect disaggregated data and other information in order to identify discrimination against children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.

3. Civil rights and freedoms

Right to a nationality

23. The Committee notes with concern that children born to stateless persons who have no right of permanent residence in Lithuania do not automatically obtain Lithuanian citizenship.

24. In light of article 7 of the Convention, the Committee encourages the State party to take all appropriate measures to ensure that all children born in Lithuania are protected from statelessness.

Corporal punishment

25. The Committee expresses its concern at the widespread use of corporal punishment, in particular within the family and in institutions, due to the generally tolerant attitude towards this practice. Further, it notes the lack of data and information available on this topic.

26. In light of articles 19, 28 (2) and 37 of the Convention, the Committee recommends that the State party adopt appropriate legislative measures to explicitly prohibit the use of any form of corporal punishment within the family. It also encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice. The State party should promote alternative forms of discipline in families, schools and other institutions, administered in a manner consistent with the child's dignity and in conformity with the Convention. The Committee also recommends that the ban on corporal punishments in schools and other institutions be enforced.

Access to appropriate information

27. The Committee is concerned that children are not adequately protected from the violence and pornography increasingly being shown on television, in video films and in other media. Also, while noting that there is State support, including through tax reduction, for the publication and sale of books, it nevertheless notes with concern that not enough programmes and books for children are being produced and disseminated in the country.

28. In light of article 17 of the Convention, the Committee encourages the State party to further enforce appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, such as the Law on the Provision of Information to the Public of 1996. It further recommends that the State party reinforce measures to encourage the production of programmes and books for children and disseminate them throughout the country, in particular in rural areas.

4. Family environment and alternative care

Children deprived of family environment

29. The Committee notes with deep concern that, owing to the inadequacy of social assistance and the lack of alternatives, an increasing number of children from poor families are being placed in institutions.

30. In light of articles 18 and 26 of the Convention, the Committee encourages the State party to further strengthen comprehensive measures to support parents, in particular those living in rural areas, in their efforts to raise their children, for instance by increasing various forms of social assistance to families, including counselling services, or by securing day-care services and facilities.

Child abuse and neglect

31. Noting that for a long period issues such as abuse and neglect of children were not recognized as problems and that deprivation of parental rights was the only legal way of protecting a child from abuse and violence within the family, the Committee expresses its concern about the lack of data, appropriate measures, mechanisms and resources to prevent and combat all forms of child abuse and other forms of domestic violence.

32. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to enable it to understand the extent, scope and nature of these practices, adopt adequate measures and policies and thereby contribute to changing attitudes. The Committee notes that while such measures are included in the new Civil Code, it is not yet in force. It recommends that the State party ensure that cases of domestic violence and ill-treatment and abuse of children, including sexual, are properly investigated within a child-friendly inquiry and judicial procedure in order to guarantee better protection of child victims, including their right to privacy. All necessary measures should be taken to make sure that placement of children outside their family only occurs when it is evidently in the best interests of the child and for the shortest period possible. Measures should also be taken to ensure the provision of support services to children in legal proceedings and the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

Adoption and foster care

33. While noting the Law on the Care of Children of 1998, the establishment in 2000 of an adoption agency and the increase, albeit slow, in the number of children living in foster families, the Committee is nevertheless concerned at the significant number of children who have to live in orphanages and institutions and at the small number of children living in foster families because of economic problems and insufficient support from the State. Further, it notes with concern the large number of children involved in intercountry adoption, some of them without legal protection.

34. In light of article 21 and other related provisions of the Convention, the Committee recommends that the State party fully implement the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. Further, in light of articles 20 and 25, it recommends that the State party continue to undertake measures to facilitate the creation of an adequate foster care system by providing sufficient financial support.

5. Basic health and welfare

Health and health services

35. While noting that the National Health Programme runs until the year 2005, the Committee expresses its concern at the high rates of child morbidity, in particular the increase in cases of tuberculosis, and the low rates of breastfeeding. Further, it notes that there is a high rate of child deaths due to traumas and accidents, in particular motor vehicle accidents, and that children are particularly vulnerable to the ill effects of contaminants in the soil and air. It also notes with concern the growing rates of suicide among children and youth.

36. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children, including measures aiming at a safe and healthy environment. Further, measures to raise awareness about and prevent deaths from accidents and suicide among children and youth should be taken and enforced.

Children with disabilities

37. The Committee expresses its concern about the fact that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country and that not all medicines are available for free. Further, it is concerned at the large number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for children with disabilities.

38. The Committee recommends that the State party allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas, and develop community-based programmes in order to allow children to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

(General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and their inclusion into society.

Adolescent health

39. The Committee, while noting progress made in this area, nevertheless expresses its concern at the increase of cases of sexually transmitted diseases (STDs) and HIV/AIDS, at the growing abuse of alcohol and tobacco and at the frequency of unplanned pregnancies and abortions among youth. Further, it notes the limited availability of programmes and services in the area of adolescent health including mental health, in particular treatment and rehabilitation programmes, and of prevention and information programmes, especially on reproductive health, at school.

40. The Committee recommends that the State party continue to increase its efforts to promote adolescent health, including mental health and reproductive health, and to develop a programme for the systematic sexual education of adolescents at school. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to determine the scope of adolescent health problems, including the negative impact of STDs, HIV/AIDS and alcohol abuse, in order to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular reproductive health education, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible without parental consent, when this is in the best interests of the child.

Adequate standard of living

41. The Committee is concerned that a large number of families, in particular those with three or more children, and single women with children live under the subsistence level and that this problem is predominant in rural areas.

42. In light of articles 3, 4, 6, 26 and 27 of the Convention, the Committee encourages the State party to take all appropriate measures, such as the adoption and enforcement of the Programme of Assistance to Families Raising Children, to the maximum extent of its available resources and in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure to the maximum extent possible the survival and development of all children living in Lithuania, without discrimination.

6. Education, leisure and cultural activities

Education

43. The Committee notes with concern the small number of children attending pre-school education and the high number of children dropping out of school.

44. In light of article 28 of the Convention, the Committee recommends that the State party continue taking appropriate measures to ensure regular attendance at school and to reduce dropout and ensure the implementation of the new measures taken to increase participation in pre-school education.

Leisure and cultural activities

45. The Committee notes with concern that the State party did not give adequate consideration to the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts.

46. In light of article 31 of the Convention, the Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, taking into consideration the physical and psychological development of the child.

7. Special protection measures

Children applying for asylum

47. The Committee notes with concern that children applying for asylum do not have access to adequate specific medical and psychological care, specific legal support and education. Further, it notes that unaccompanied minors applying for asylum are not separated from adults in refugee centres.

48. In light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that children applying for asylum have adequate living conditions and access to health and education.

Substance abuse

49. The Committee is concerned at the reported increasing use of drugs, including psychotropic substances, among children and adolescents in the State party, in particular those living in the street. Further it notes that the present welfare service system is unable to deal with the growing need for services.

50. The Committee recommends that the State party undertake studies on the abuse of drugs among children and adolescents, in particular those living in the street, with a view to understanding the extent, scope and nature of these practices, adopting adequate measures and policies and changing attitudes. Further, it encourages the State party to pursue awareness raising and preventive measures, including drug education in schools. It further recommends that the State party allocate more resources for treatment and rehabilitation services specifically tailored for children and adolescents.

Children living in the streets

51. The Committee expresses its concern at the number of children living and working in the streets and notes that the programmes and mechanisms established to assist them are not sufficient.

52. The Committee recommends that the State party support existing mechanisms to ensure that children living in the streets are provided with food, clothing, housing, health care and education, including vocational and life-skills training. Moreover, the State party should ensure that these children are provided, whenever necessary, with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

Trafficking and commercial sexual exploitation

53. The Committee, while noting the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000, expresses its deep concern at the lack of data, consistent policies, rehabilitation and reintegration programmes, and the reports of disappearances of minors, in particular girls, allegedly for trafficking purposes. Further, it notes that procuration for the purpose of prostitution is punished only in cases involving girls and that some legal provisions result in the administrative punishment of children involved in commercial sexual exploitation.

54. The Committee recommends that the State party fully implement the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children of 2000, in particular its rehabilitation and reintegration aspects. Further, it encourages the State party to abolish every legal provision that results in administrative or other punishment of the victims, of commercial sexual exploitation and to prevent other forms of stigmatization of the victims, and to penalize procuration for the purposes of prostitution involving all children, boys as well as girls.

Administration of juvenile justice

55. The Committee, while noting the Juvenile Justice Programme, is nevertheless concerned that the juvenile justice system is not fully in compliance with the Convention and that the juvenile crime rates and the number of criminal juvenile offenders are increasing. In particular, the Committee expresses its concern at reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded, and at the fact that there are no programmes for their rehabilitation and reintegration into society.

56. The Committee recommends that the State party continue reviewing its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to ensuring child-friendly practices by the police and at all levels of the juvenile justice

system. Further, it encourages the State party to continue supporting the Juvenile Justice Programme, in particular its preventive aspect, with adequate financial and human resources, including professionals such as social workers and psychologists.

57. Further, the Committee reminds the State party that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to prevent pre-trial detention should be used whenever possible. The Committee recommends that the State party incorporate into its legislation and practice the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to guaranteeing them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional protocols

58. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of reports

59. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.147
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Lesotho

1. At its 685th and 686th meetings (see CRC/C/SR.685-686), held on 18 January 2001, the Committee on the Rights of the Child considered the initial report of Lesotho (CRC/C/11/Add.20), which was received on 27 April 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/LES/1). The Committee is encouraged by the dialogue with the State party and notes the presence of a large delegation, but would have liked the delegation to include more persons directly involved in the implementation of the Convention.

B. Positive aspects

3. The Committee notes the efforts undertaken by the State party to ensure that the principles and provisions of the Convention are widely known. In particular, the Committee notes the State party's recent support to the initiative to translate the Convention into Sesotho and to work in cooperation with the local media to encourage the broadcasting of programmes on child rights and the Convention in local languages in various regions of the country.

---

* At the 697th meeting, held on 26 January 2001.

4. The Committee notes the development of numerous policies and strategies, including the "Vision 2020 initiative", by the State party, addressing, inter alia, the rights of children with disabilities, anti-poverty, the rights of youth, HIV/AIDS, early childhood care and development, and a draft reproductive health strategy.

5. The Committee appreciates the State party's initiatives in the education sector and particularly the introduction of free education from 2000 for children commencing Grade One. In this context, the Committee also welcomes the State party's new education policy, which is aimed at promoting and enhancing the quality of basic education by improving the level of teacher training, the pupil-teacher ratio and the coordinated management of schools.

6. The Committee notes the "adolescent health corner" initiatives at the regional level, providing access to health care for adolescents.

7. The Committee welcomes the recent ratification by Lesotho of ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges that the economic and social difficulties facing the State party and the human rights situation in general have had, and still have, a negative impact on the situation of children and are impeding the full implementation of the Convention. In particular, the Committee notes the impact of the increasing level of poverty, very high unemployment and the emigration of professionals on children. The Committee further notes that the impact of HIV/AIDS also adversely affects the full implementation of the Convention.

D. Subjects of concern and Committee recommendations

D.1. General measures of implementation

Legislation

9. While noting the recent efforts made, the Committee remains concerned that domestic legislation does not fully reflect the principles and provisions of the Convention and that several recent efforts to amend domestic legislation have yet to be adopted. The Committee notes, in particular, that the Convention is not directly applied in the State party and that, as a consequence, where there are inconsistencies between domestic legislation and international standards, domestic legislation prevails. The Committee notes, further, that customary law continues to be applied in many situations and is sometimes in contradiction with the principles and provisions of the Convention. The Committee notes the recent activities of the Law Reform Committees, resulting in, inter alia, the Married Persons Equality Bill and the Sexual Offences Bill, but remains concerned that their work is hindered by a lack of human and financial resources.

10. The Committee recommends that the State party ensure that ongoing customary law practices are in conformity with the Convention. The Committee recommends that the State party continue its efforts to adopt new, or to amend, legislative instruments, to

implement the Committee's proposal that it undertake a review of all of its legislation and consider the enactment of a comprehensive child rights statute, with a view to ensuring the full conformity of domestic legislation with the principles and provisions of the Convention. The Committee also recommends that the State party expedite the approval of draft bills and provide the necessary financial and human resources for the full implementation of new legislation. The Committee further recommends that the State party continue to support and strengthen the work of the Law Reform Committees. Finally, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Coordination and implementation

11. Although the Ministry for Development and Planning coordinates the implementation of programmes and policies in general, the Committee is concerned about the lack of a structure in the State party with the appropriate authority, profile and resources for coordinating the implementation of the Convention. The Committee is concerned, further, at significant regional disparities in implementation, with a high concentration of services provided in Maseru the capital city, in contrast with a much weaker provision of services in more rural areas.

12. The Committee recommends the establishment of governmental mechanisms for the coordination of the implementation of the Convention, with the necessary authority and human and financial resources to perform such a coordinating role in an effective and efficient manner. The Committee recommends, in addition, that attention be given to strengthening coordination with, and between, NGOs working towards the Convention's implementation. The Committee recommends, further, that the State party make every effort to ensure more equal implementation of the Convention throughout the State party.

Monitoring

13. The Committee notes that the establishment of an independent human rights commission was approved by the Government in 1995 but that this commission is not yet operational and that the State party remains without an independent mechanism to monitor the implementation of human rights standards, including children's rights. The Committee expresses its concern, in particular, at the absence of mechanisms in the State party through which children, as well as adults, can make complaints of human rights violations or other abuses.

14. The Committee recommends that the State party proceed rapidly with the establishment of the Human Rights Commission. The Committee recommends, further, the establishment of an independent monitoring body with responsibility for monitoring implementation of the Convention, in accordance with the Paris principles, either as part of the Human Rights Commission or as a separate body, such as a children's ombudsperson. The Committee recommends that consideration also be given to providing a mechanism through which children can make complaints of abuses of their rights.

Data collection

15. The Committee joins the State party in expressing concern that current data collection mechanisms are insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention and in relation to all groups of children, with a view to the monitoring and evaluation of progress achieved and the assessment of the impact of policies adopted with respect to children.

16. The Committee recommends that the system of data collection be reviewed and substantially strengthened with a view to incorporating all the areas covered by the Convention. The data collection system should cover all children up to the age of 18 years and should include information in respect of the rights of, inter alia, children with disabilities, children of ethic minority groups, girls, children living in rural areas, children living in poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children of single-parent families, children born out of wedlock, children born of incestuous relations, sexually abused children and institutionalized children. The Committee recommends that the State party seek technical cooperation in this area from, inter alia, UNICEF.

Budgetary and other resources

17. The Committee is concerned that the State party has not used to the maximum extent possible the available budgetary, human and other resources for the Convention's implementation.

18. In the light of article 4, the Committee recommends that the State party make every effort to increase the proportion of the budget allocated to children's rights and, in this context, to ensure the provision of appropriate human resources and that the implementation of child policies are a priority.

NGOs and international cooperation

19. The Committee joins with the State party in expressing concern at the need for additional technical assistance and international cooperation. The Committee is concerned that civil society, including NGOs, have insufficient opportunities to influence children's rights policy making and implementation. The Committee is concerned, further, that children do not have sufficient opportunities to participate in this process.

20. The Committee recommends that the State party continue and strengthen its efforts to seek technical assistance and other forms of international cooperation, including from international NGOs, towards implementation of the Convention. The Committee recommends that the State party continue and strengthen its support to national NGOs. The Committee recommends, further, that children be provided with more opportunities to participate in the work of NGOs.

Dissemination and training on the Convention

21. The Committee is deeply concerned at the emigration of professionals essential not only for the State party's development but also for implementation of the rights of children. The Committee is also concerned that there is insufficient awareness of the principles and provisions of the Convention among the remaining professionals working for and with children and among the public at large.

22. The Committee recommends that the State party pursue and strengthen its ongoing efforts to encourage professionals to remain in the State party, particularly those professionals working with and for children. The Committee recommends that the State party provide child rights training for all relevant professional groups, including parliamentarians, judges, lawyers, chiefs, law enforcement personnel, teachers, school administrators, health professionals including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. The Committee recommends, in addition, that the State party strengthen efforts to raise awareness of the Convention among children, parents, the media and the public at large, including in rural areas. In this regard, the Committee encourages the State party to continue its efforts to make the Convention available in Sesotho. The Committee recommends, finally, that the State party make efforts to raise awareness and discussion among the public with regard to economic, social and cultural rights, in the context of improved implementation of all of the Convention's provisions.

D.2. Definition of the Child

23. The Committee notes with concern the lack of clarity in the definition of the child due to the fact that on the one hand the child is defined as a person under18 years of age while on the other hand the age of majority still remains 21. The Committee is similarly concerned by the different minimum legal ages for marriage, the absence of a defined minimum age of sexual consent for boys, the very high minimum age for consulting a doctor without parental consent and the extremely low minimum age of criminal responsibility - currently age seven.

24. The Committee recommends that the State party review, and amend as appropriate, existing legislation in order to harmonize the age of majority and the overall definition of the child, to introduce one minimum legal age for marriage, to increase the minimum age for criminal responsibility, to address concerns related to the minimum age for consulting a doctor without parental consent and to establish one minimum age for sexual consent.

D.3. General Principles

Non-discrimination

25. While noting that the principle of non-discrimination (art. 2) is reflected in the Constitution of Lesotho as well as in other domestic legislation, the Committee remains concerned that there continues to be serious discrimination in the State party, which has a negative impact on respect for children's rights and particularly on the rights of girls. The Committee is concerned, inter alia, that married women have the legal status of minors and this

situation can, in certain circumstances, negatively affect respect for the rights of their children. The Committee is also concerned that the State party has not taken measures to address discrimination against children who are born out of wedlock, those affected by HIV/AIDS, children in remote rural areas, children born of incestuous relationships, institutionalized children, pregnant girls, children with disabilities, street children and children of ethnic minority groups. The Committee is also concerned that many children do not have adequate or equal access to education and health services, in particular children in the vulnerable groups mentioned above. Finally, the Committee is concerned at the difficulties and humiliation faced by mothers of children born out of wedlock in obtaining travel documents for their children.

26. The Committee urges the State party to strengthen urgently its efforts to ensure full implementation of the principle of non-discrimination, inter alia, by amending domestic legislation and increasing awareness among the population. The Committee urges the State party to give particular attention to ending discrimination against girls and women - in so far as this affects respect for the rights of children - in legislation, customary law and in practice, to address effectively discrimination against vulnerable groups of children, inter alia, by improving their access to education and health services, and to ensure that children born out of wedlock can obtain travel documents as easily and quickly as all other children.

The right to be heard and the best interests of the child

27. The Committee is concerned that some traditional practices and attitudes can limit implementation of the right of children, especially girls, to express their views and to participate in decision-making processes. The Committee is also concerned that the evidence of children is not given appropriate weight in courts of law. The Committee is concerned, further, that the principle of the best interests of the child is not respected and that this situation is worsened by the limited implementation of children's right to be heard.

28. The Committee recommends that the State party take effective measures to encourage respect for the views of the child, particularly girls, in schools, families, and the care and judicial systems (including the magistrature), and to promote the participatory rights of children.

D.4. Civil rights and freedoms

Birth registration

29. The Committee is concerned at low levels of birth registration and, in particular, that some registration procedures are inaccessible, cumbersome and expensive.

30. The Committee recommends that all necessary measures be taken, including through legislation, awareness raising among government officials, community leaders and parents and the use of mobile registration offices whenever appropriate, to ensure that all children are registered at birth.

Corporal punishment

31. While noting that corporal punishment is prohibited by law in schools, the Committee remains concerned that the practice continues to be widespread in schools and in the family, in the care and juvenile justice systems and generally in society. The Committee is concerned, in particular, that corporal punishment of children is accepted among the public at large.

32. The Committee recommends that the State party take measures to implement effectively legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions, and consider prohibiting corporal punishment in the family. The Committee recommends, in addition, that the State party raise awareness of the negative effects of such punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention. The Committee recommends, further, that the State party promote the use of alternative disciplinary measures, in accordance with the principles and provisions of the Convention.

Violence

33. The Committee is extremely concerned at incidents of violence, including beatings, committed against children by law enforcement officials and the lack of investigation or criminal justice response to such incidents.

34. The Committee recommends that the State party establish an effective child-friendly complaint and investigation system to address acts of violence committed by law enforcement or other officials against children and to ensure that the perpetrators of such acts do not enjoy impunity. The Committee further urges the State party to strengthen awareness of children's rights issues within the criminal justice system.

D.5. Family environment and alternative care

Family breakdown

35. The Committee notes with concern the reported increase in family breakdown related to a combination of factors, inter alia, HIV/AIDS, household poverty, the retrenchment of migrant workers from South Africa and increasing unemployment. The Committee is concerned that the principle of the best interests of children is not respected by families or customary and civil courts in the course of family breakdown and that children in such situations are more likely to be abandoned or forced to live on the streets. The Committee is also concerned at the difficulties experienced by single parents, in particular single mothers, with regard to the enforcement of child maintenance payment orders and at the growing number of child-headed households, linked to the spread of HIV/AIDS. Finally, the Committee is concerned that, as a result of poverty and other factors, children experiencing family breakdown do not have access to psycho-social care.

36. The Committee recommends that the State party clarify, strengthen and ensure implementation of its policies and legislation in relation to family breakdown. The Committee also recommends that the State party strengthen the enforcement of maintenance orders and pay special attention to providing families in need with adequate support, including training and the empowerment of parents, in order to prevent the abandonment of children. The Committee recommends, in addition, that the State party strengthen its support to child-headed households, particularly in the light of the spread of HIV/AIDS.

Alternative care

37. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the insufficient financial support provided to existing ones. The Committee is concerned, further, at the low standard of the living conditions in some alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. The Committee is deeply concerned, in addition, that Juvenile Training Centres are used by courts to detain children for "welfare and education" under the Children's Protection Act No. 6 of 1980, even though these children have not committed any criminal offence. The Committee is concerned that some parents choose to send their children to such institutions as a way of disciplining their children. The Committee is also concerned that such detentions do not appear to be monitored and that the children are usually detained with others who have been detained in the context of criminal justice procedures.

38. The Committee recommends that the State party develop additional programmes to strengthen its alternative care facilities, in particular an adequate and well-supported (e.g. via special grants for foster parents) foster care system. The Committee strongly recommends that the State party end the practice of using the Juvenile Training Centres to detain children as a form of alternative care. The Committee recommends, further, that the State party develop other alternative care systems, including foster care, that it provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The Committee recommends that the State party seek assistance in this regard.

Adoption

39. The Committee notes that the State party has legislation to regulate domestic adoptions but that there is de jure discrimination against prospective parents who are African, and that the procedures are often slow and cumbersome. It is noted that the State party has no legislation, policies or institutions to regulate inter-country adoptions. The lack of monitoring with respect to both domestic, including customary law adoptions, and inter-country adoption is also a matter for concern.

40. In the light of article 21 of the Convention, the Committee recommends that the State party introduce effective and non-discriminatory regulatory and monitoring procedures with respect to both domestic and inter-country adoptions, in order to

guarantee the protection of the rights of children in this regard. The Committee further encourages the State party to consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption.

Ill-treatment, abuse and neglect

41. The Committee is concerned at the lack of measures and mechanisms to prevent and combat ill-treatment, violence, neglect and abuse of children, including sexual abuse. The Committee is concerned, in addition, at the lack of appropriate financial and human resources and the lack of adequately trained personnel to prevent and combat physical and sexual abuse. The Committee is concerned, further, at the lack of awareness and information, including statistical data, on these phenomena among the general public.

42. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and child abuse, including sexual abuse in order to understand the scope and nature of these practices, and to adopt adequate measures and policies to address them and to contribute to changing attitudes. The Committee also recommends that cases of domestic violence, ill-treatment, sexual and other abuse within the family be properly investigated through a child-friendly judicial procedure, and that sanctions be applied to perpetrators, due regard being given to guaranteeing the right to privacy of the child. The Committee also recommends that appropriate weight be given to children's views in legal proceedings, that support services be provided to child witnesses in legal proceedings, that provision be made for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and that measures be taken to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

D.6. Basic health and welfare

43. The Committee notes with concern the poor health situation of children in the State party and in particular the limited access to basic health care for children (especially in rural and mountainous areas), high maternal, child and infant mortality rates, low and decreasing immunization levels, high rates of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. The Committee is also concerned at the health risks linked to male circumcision. The Committee is further concerned at the low and decreasing number of trained health personnel, including mental health and social welfare professionals, which is contributing to the insufficient provision of essential services.

44. The Committee notes that the State party is currently reviewing its Social Welfare Policy and urges the State party to pursue its efforts to ensure that the new policy covers all groups of vulnerable children and to ensure that the policy provides an effective basis for addressing the challenges of, inter alia, poverty and HIV/AIDS. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve health infrastructure, to increase the number of trained health and welfare, including mental health, professionals, to improve the health situation of children, to facilitate greater access to primary health services, to

reduce the incidence of maternal, child and infant mortality, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to improve access to safe drinking water and sanitation. The Committee also recommends that the State party address health risks associated with male circumcision. Additionally, the Committee encourages the State party to consider requesting technical assistance for the integrated management of childhood illnesses and for other measures for child health improvement from, inter alia, UNICEF and the World Health Organization (WHO).

Adolescent health and HIV/AIDS

45. Whilst noting the existence of the National AIDS Strategic Plan 2000/2001-2003/2004 and the Policy Framework on HIV/AIDS Prevention, Control and Management, the Committee remains extremely concerned at the alarmingly high incidence and increasing prevalence of HIV/AIDS amongst adults and children, in particular amongst teenage girls, and the high incidence of teenage pregnancy and STDs. The Committee expresses concern, further, at the insufficient availability of adolescent health programmes and services and the lack of adequate data in this area and on the incidence of suicide, violence, sexual exploitation and abortion, alcohol consumption and tobacco and dagger smoking.

46. The Committee strongly urges the State party to implement fully the National AIDS Strategic Plan 2000/2001-2003/2004 and the Policy Framework on HIV/AIDS Prevention, Control and Management as soon as possible and to devote to them ample resources to ensure their success. The Committee recommends, further, that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy, as well as the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. The Committee urges the State party to give particular attention to the secondary consequences of HIV/AIDS, such as an increase in child-headed households following the death of adult family members. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents, especially girls, which would be accessible by them without parental consent; in this regard, the Committee notes the development of "Adolescent Health Corners" at the regional level and recommends that the State party pursue its objective of establishing such facilities at the district level. The Committee recommends that the State party increase its efforts to promote adolescent health policies, including mental health, particularly with respect to suicide prevention, and to strengthen reproductive health education and counselling services. In this regard, the Committee particularly recommends that all training programmes on reproductive health address boys as well as girls. The Committee recommends, further, that the State party implement measures to discourage the abuse of alcohol and the smoking of tobacco and dagger by adolescents.

Harmful traditional practices

47. The Committee is concerned at the continuing practice of female genital mutilation.

48. The Committee recommends that the State party end the practice of female genital mutilation and strengthen awareness among the population of the harm associated with such practices.

Children with disabilities

49. The Committee notes the State party's indication that a survey will be conducted to collect disaggregated data and other information on children with disabilities, which will be used as a basis for policy development, but remains concerned at the absence of legal protection and the lack of adequate programmes, facilities and services for children with physical and mental disabilities, and in particular the failure to integrate children with disabilities into mainstream schooling. The Committee is also concerned at the absence of a national strategy to ensure respect for the rights of children with disabilities.

50. The Committee urges the State party to complete the survey mentioned above as soon as possible and to make use of the information gathered to develop a comprehensive national programme, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the rights of children with disabilities (CRC/C/69). The Committee recommends that the State party develop "early identification" programmes with a view to providing prompt and appropriate early intervention to help children with disabilities, including physical and learning disabilities. The Committee recommends, in addition, that the State party increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for them and further encourage the inclusion of these children in society including through, inter alia, ensuring access for children with disabilities to schools and public buildings. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. The Committee recommends that the State party seek international cooperation from, inter alia, UNICEF and WHO in this regard.

D.7. Education, leisure and cultural activities

51. The Committee welcomes the recent initiatives of the State party to improve the provision and management of education through the Education Act 1995 and in particular through the introduction of free education for those commencing Grade One in January 2000. However, the Committee remains concerned that many children, in particular herd-boys, children living in poverty and children in remote rural communities, continue not to have access to education. With respect to the general situation of education, the Committee notes with concern the lack of trained teachers, the poor educational infrastructure and lack of equipment, the extent of overcrowding, the high pupil-teacher ratios, the high drop-out, illiteracy and repetition rates, the lack of basic training materials and shortages of text books and other

materials. The Committee is particularly concerned at the poor conditions of education resources in high mountainous and rural areas. The Committee is concerned, in addition, at the low percentage of children with access to pre-school educational services.

52. The Committee recommends that the State party continue its efforts to increase the school attendance and literacy rates of herd-boys in mountainous regions, including through research into the structural and other underlying causes for the failure of boys to complete their education and through consideration of possible solutions such as alternative approaches to care for cattle and flexible school hours and curricula. The Committee recommends that the State party introduce measures to broaden the provision of free education generally with a view to ensuring access to education for all children in the State party. The Committee recommends that all appropriate measures be taken to increase the number of trained teachers, strengthen the educational infrastructure and curriculum, and improve the coordination of education policy, the management of schools and the quality of education. In addition, the Committee recommends, that the State party undertake additional measures to motivate parents to encourage their children to enroll in school and complete their education. The Committee further recommends that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. The Committee recommends that the State party increase significantly the availability of pre-school places. Finally, the Committee suggests that the State party seek technical assistance from, inter alia, UNICEF and UNESCO.

53. The Committee notes with deep concern that girls who become pregnant whilst still attending school are often excluded from school and that such action is not only discriminatory against girls but also a violation of the right to education.

54. The Committee urges the State party to ensure that pregnant girls are permitted to continue attending school both during and after their pregnancy.

D.8. Special protection measures

Child labour

55. Labour laws regulating child labour do exist in the State party, but the Committee notes with concern the high and increasing number of children, especially boys, employed as animal herders, inter alia, and children employed as street traders, porters and in textile and garment factories. The Committee is concerned, in addition, at the number of children working in potentially dangerous conditions and at the lack of monitoring and supervision of the conditions in which they work.

56. The Committee recommends that the State party encourage the work of the Law Reform Commission on child labour concerns, that the Commission's child labour recommendations be rapidly implemented, that improvements be made to the monitoring of child labour practices and that the State party ensure that sufficient resources are allocated for this purpose with a view to the effective enforcement of labour laws and the

protection of children from economic exploitation. The Committee also recommends that the State party consider ratifying ILO Convention No. 182 concerning the Worst Forms of Child Labour.

Sexual exploitation

57. The absence of adequate information, including disaggregated statistical data, on the situation of sexual exploitation of children, is a matter of concern for the Committee. The Committee is concerned, further, that young girls in particular are vulnerable to sexual exploitation in Lesotho and that the number of incidents of such exploitation is increasing.

58. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, especially girls. The Committee recommends, in addition, that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family.

Children living and/or working on the streets

59. The Committee notes with concern the increasing number of children living and/or working on the streets in Lesotho.

60. The Committee recommends that the State party make every effort to identify and address the causes of children living and or working on the streets and to formulate policies and provide assistance addressing their needs and assuring greater respect for their rights.

Juvenile justice

61. While the Committee notes that a juvenile justice system has been established in the State party, the Committee remains concerned at:

(a) The extremely low age of criminal responsibility;

(b) The general situation of the administration of juvenile justice and in particular its incompatibility with the Convention and other recognized international standards;

(c) The absence of juvenile courts in some regions or the failure to use them even when they are available;

(d) The absence of systematic free legal advice and representation for children accused of criminal offences and the occasional contradictions in the roles of probation officers and lawyers;

(e) Weaknesses in the coordination between the chiefs' courts and the criminal justice system and the failure to ensure that children's rights are guaranteed and respected in the chiefs' courts;

(f) Overcrowding in detention facilities, and the holding of minors in these facilities;

(g) The failure to monitor the length of time children spend in detention facilities;

(h) The lack of reliable statistical data on the number of children in the juvenile justice system;

(i) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system;

(j) The limited sentencing options available to a court dealing with a child convicted of a crime;

(k) The legality of corporal punishment as a penalty for boys who have committed criminal offences under the Criminal Procedure and Evidence Act 1981;

(l) The insufficiency of facilities and programmes for the physical and psychological recovery, rehabilitation and social reintegration of child offenders;

(m) The incarceration of girls with boys and of children with adults, and the incarceration of some children in the capital, Maseru, where they cannot easily be visited by family members.

62. The Committee recommends that the State party:

(a) Take additional steps to undertake a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Amend the law as soon as possible in order to abolish the sanction of flogging for juvenile delinquents and, in the meantime, provisionally suspend the application of this form of sanction;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible time, reduce the maximum custodial sentence to a period shorter than three years, ensure that children are separated from adults and boys separated from girls, and ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved in the system of juvenile justice;

(e) Pursue its proposal to request technical assistance in the area of juvenile justice and police training from, inter alia, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice;

(f) Substantially raise the age of criminal responsibility.

Ratification of the two Optional Protocols

63. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

64. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.148
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Saudi Arabia

1. At its 687th and 688th meetings (see CRC/C/SR.687 and 688), held on 19 January 2001, the Committee on the Rights of the Child considered the initial report of Saudi Arabia (CRC/C/61/Add.2), which was submitted on 15 October 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. However, it regrets that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. The Committee notes the timely submission of the written answers, which it found informative. It further notes with appreciation the presence of a high-level delegation, which contributed to a frank dialogue.

* At the 697th meeting, held on 26 January 2001.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of the Convention on the Elimination of All Forms of Discrimination against Women. It further welcomes the information, provided by the delegation, that the State party is considering ratifying the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

4. The Committee welcomes the establishment of the Committee on Deliberate Child Abuse.

5. The Committee notes with appreciation the generous financial aid given to developing countries by the State party.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by State authorities are impeding the enjoyment of many human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservation

7. The Committee is concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention, as well as the overall implementation of the Convention.

8. The Committee recommends that the State party withdraw its reservation, in accordance with the Declaration and Plan of Action of the World Conference on Human Rights (1993).

Legislation

9. The Committee is concerned that several rights contained in the Convention are not reflected in domestic law. In particular, the Basic Law and other applicable laws do not expressly guarantee non-discrimination on the basis of all the grounds contained in article 2 of the Convention. In addition, the Committee notes the incompatibility of certain areas of domestic law with the Convention (e.g. discrimination against females and non-Muslims and the use of judicial punishments such as flogging), and that many laws relevant to children's rights (i.e. personal status laws, the criminal code, and the criminal and civil procedure codes) remain uncodified.

10. The Committee recommends that the State party conduct a comprehensive review of the Basic Law and domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention, that they are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

11. The Committee is concerned that there is inadequate administrative coordination and cooperation at the national and local government levels in the implementation of the Convention.

12. In light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action for the implementation of its international human rights obligations, including the Convention, through an open and consultative process. Attention should be given to intersectoral coordination and cooperation at and between national and local levels of government. The Committee recommends that the State party provide adequate support to local authorities, including the development of professional capacity, for implementation of the Convention.

13. The Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

14. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. The Committee recommends that greater efforts be made to involve relevant State actors in the dialogue with civil society, such as local government officials and the police, and further encourages the State party to support initiatives aimed at strengthening the role of civil society.

Data collection

15. The Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected and used effectively to assess progress and design policies to implement the Convention.

16. The Committee recommends that the State party establish a mechanism to systematically collect and analyse data on persons under 18. The Committee encourages the State party to seek technical assistance from UNICEF, among others, in this regard.

Monitoring structures

17. The Committee emphasizes the importance of setting up an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention at the national and local levels. Moreover, the Committee notes that guarantees of

non-discrimination, religious freedom and due process laid down in domestic law without independent and effective mechanisms to monitor their application do not on their own ensure the enjoyment of these and other fundamental rights.

18. The Committee encourages the State party to consider the establishment of an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels. This institution should be empowered to receive and investigate complaints of violations of child rights in a child-friendly manner, and address them effectively. The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others.

Training/dissemination of the Convention

19. The Committee is concerned at the low level of awareness of the Convention amongst professionals working with and for children and the general public, including children themselves. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

20. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing human rights training programmes, including on the provisions of the Convention, for all professional groups working with children (e.g. the Consultative Council, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others, in this regard.

2. Definition of the child

21. The Committee is concerned that the definition of the child is unclear under Saudi law and that the age of majority is not defined. For example, the absence of a defined minimum age for marriage may result in the arbitrary and disparate application of laws and discrimination between girls and boys.

22. The Committee recommends that the State party review its legislation so that the definition of the child, the age of majority and other minimum age requirements conform to the principles and provisions of the Convention and are gender neutral in particular, and ensure that they are enforced by law.

3. General principles

The right to non-discrimination

23. The Committee is concerned by the persistence of discrimination in the State party. In particular, the Committee finds that direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of identity cards for females) and personal status (e.g. inheritance, custody and guardianship), is incompatible with article 2. The Committee is concerned that the nationality law does not grant equal citizenship status to children of Saudi women married to non-nationals. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men.

24. In accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

Best interests of the child

25. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests, and is discriminatory).

26. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and taken into consideration.

Right to life

27. As the age of majority is not defined, the Committee is seriously concerned that there is a possibility that the death penalty may be imposed for offences committed by persons who were below 18 years at the time the crime was committed, contrary to articles 6 and 37 (a) of the Convention.

28. The Committee strongly recommends that the State party take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.

Respect for the views of the child

29. The Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

30. The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to assist children to express their informed views and opinions, and to have them taken into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.

4. Civil rights and freedoms

Freedom of thought, conscience and religion

31. The Committee emphasizes that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of articles 14 and 30 of the Convention and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), the Committee is concerned at the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3.

32. The Committee recommends that the State party take all effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort, including public education campaigns, to combat intolerance on the grounds of religion or other belief.

Protection from torture and inhuman or degrading treatment or punishment

33. In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons under 18 may be subject while in detention to corporal punishment, such as flogging, under article 28 of the 1977 Detention and Imprisonment Regulations. It is also disturbed that persons who committed crimes when they were under 18 may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities. The Committee finds that application of such measures is incompatible with the Convention. Moreover, the Committee is concerned about reports that members of the Committees for the Propagation of Virtue and the Prevention of Vice routinely harass and assault persons under 18 for, inter alia, dress code infractions.

34. The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment, including flogging and other forms of cruel, inhuman or degrading treatment and punishment, on persons who may have committed crimes when they were under 18. It also recommends that the State party take all appropriate measures to ensure that law enforcement officials respect and protect human dignity and maintain and uphold the human rights of all persons in the course of their duties.

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

35. In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools and within the family. It is further concerned that domestic violence is a problem in Saudi Arabia and that this has harmful consequences on children.

36. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools and care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. In addition, the State party should recruit, train and employ women police officers. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party establish hotlines and shelters, staffed by women, for the protection of women and children at risk of or fleeing abuse. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

6. Basic health and welfare

Right to health and health care

37. Taking note of the significant achievements in the development of primary health care and specialized health services, the Committee is concerned at the insufficient information available in relation to adolescent health, such as information on access to reproductive health services and mental health counselling services.

38. The Committee recommends that the State party undertake a comprehensive study to understand the nature and extent of adolescent health problems and, with the full

participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

7. Education, leisure and cultural activities

Education

39. Noting significant efforts by the State party to improve education coverage, the Committee remains concerned that the system of education continues to emphasize rote learning rather than the development of analytical skills. It is also concerned that the aims of education presented in the report do not adequately reflect the aims outlined under article 29 of the Convention. In particular:

(a) It is seriously concerned that the State party's policy on education for girls (e.g. articles 9 and 153 of the 1969 Policy of Education) discriminates against girls and is incompatible with article 29 (a) of the Convention; and

(b) That the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities are not explicitly included in the curricula.

40. The Committee recommends that the State party undertake a process of curriculum and teaching methodology reform with the full participation of children, which stresses the importance of developing critical thinking and problem-solving skills. In light of article 2 of the Convention, the Committee recommends that the State party take due regard of article 29 and direct education to the development of the child's personality, talents and mental and physical abilities to the fullest and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level, in order to address discrimination against girls in particular. The Committee encourages the State party to seek assistance from UNICEF and UNESCO, among others.

8. Special measures of protection

Administration of juvenile justice

41. The Committee is concerned that as the age of majority is not defined, and in the absence of a published criminal code and code of criminal procedure, persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures) and be subject to the same penalties as adults. The Committee is also concerned that the lack of an independent and effective child-friendly monitoring and complaints mechanism and adequate access to legal counsel may put a child at risk of arbitrary arrest and detention under the 1977 Detention and Imprisonment Regulations and the 1983 Principles of Arrest, Temporary

Confinement and Preventative Detention Regulations. The Committee is concerned that females under 18 are detained with adult females under the 1975 Statutes of the Welfare Institutions for Young Women.

42. The Committee recommends that the State party establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. It recommends that the State party expedite the promulgation of a criminal code and a code of criminal procedure. Particular attention should be paid to ensure that: deprivation of liberty is only used as a measure of last resort; children have access to legal aid and independent and effective complaints mechanisms; and persons under 18 are not detained with adults. The Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

43. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of reports

44. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.